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September 18, 2000

Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Docket No. 94-102,
The TX 9-1-1 Agencies Comments on King County Issue

Dear Office of the Secretary:

Today, the Texas 9-1-1 Agencies filed comments on the King County Issue in Docket No. 94-102. The comments were filed electronically, with a confirmation # of 2000918958093. Pursuant to the Public Notice, please accept this original and four copies of our comments for your records. We are also sending a copy to Ms. E. Wendy Austrie. If you have any questions, please call us at the numbers noted above.

Sincerely,



Misty Lea Scoggins
Legal Assistant

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SEP 25 2000

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Revision of the Commission's
Rules to Ensure Compatibility
With Enhanced 911 Emergency
Calling Systems

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CC Docket No. 94-102

To: The Federal Communications Commission

**COMMENTS OF THE TEXAS COMMISSION ON STATE EMERGENCY
COMMUNICATIONS AND TEXAS EMERGENCY COMMUNICATION DISTRICTS**

The Texas Commission on State Emergency Communications ("TX-CSEC") and certain Texas Emergency Communication Districts¹, hereinafter referred to collectively as the "TX-9-1-1 Agencies," file these comments in response to the Federal Communications Commission's ("Commission's or FCC's") public notice (DA 00-1875) requesting comments on

¹ TX-CSEC is a state agency created pursuant to Texas Health and Safety Code Chapter 771. The certain Texas Emergency Communication Districts are Abilene/Taylor County 9-1-1, Bexar Metro 9-1-1 Network, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, DENCO Area 9-1-1 District, 9-1-1 Network of East Texas, Emergency Communication District of Ector County, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr County Emergency 9-1-1 Network, Lubbock County Emergency Communication District, McLennan County Emergency Communication District, Medina County 9-1-1 District, Midland Emergency Communication District, Montgomery County Emergency Communication District, Nortex 9-1-1 Communication District, Potter-Randall County Emergency Communications District, Tarrant County 9-1-1 District, and Texas Eastern 9-1-1 Network. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

specific issues to assist the Commission in addressing the King County Request.² The TX-9-1-1 Agencies offer the following initial comments:

I.

Whether a clearly defined demarcation point exists in the E911 network that separates the responsibilities of carriers and PSAPs for providing the various components or upgrades needed to implement Phase I technologies? Commenters should identify particular components and/or upgrades with the party responsible for the upgrade (*i.e.*, wireless carrier, local exchange carrier (LEC), or PSAP), along with the justification or rationale for their position.

The TX-9-1-1 Agencies believe that in the new competitive environment for wireless and wireline telecommunications the clearest demarcation point in the 9-1-1 network that separates the responsibilities of carriers and PSAPs is the 9-1-1 tandem (which also may be referred to as the 9-1-1 Selective Router). Similarly, the 9-1-1 SR/ALI database is the other clear point of demarcation. All wireless and wireline carriers (whether that wireline carrier is an ILEC or a CLEC) must interconnect in a non-discriminatory manner to the 9-1-1 tandem and the 9-1-1 SR/ALI database provider(s) chosen by the 9-1-1 agency. The TX-9-1-1 Agencies will discuss particular components and upgrades below on both sides of these demarcation points.

9-1-1 Trunks

Carriers (whether wireless or wireline) appear to want control over the 9-1-1 trunks that directly connect their mobile switching center (“MSC”) or central offices to the 9-1-1 tandem. The 9-1-1 trunks from a carrier’s switch to the 9-1-1 tandem operated by the LEC (whether an ILEC or a CLEC) are trunk facilities that are not normally competitively procured by the 9-1-1 agency. Moreover, the carrier may locate its switch a significant distance from the 9-1-1 tandem.

² Letter from Marlys Davis, E-911 Program Manager, King County E-911 Program Office, Department of Information and Administrative Services, to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, FCC, dated May 25, 2000 (“King County Request”).

As such, the TX-9-1-1 Agencies submit that the proper treatment for 9-1-1 trunks from the MSC or the central office to the 9-1-1 tandem must be considered the responsibility of the carriers.³

9-1-1 Tandem Upgrades

The 9-1-1 Tandem may require software upgrades to provide wireless E9-1-1 Phase I service. Where a 9-1-1 tandem upgrade is necessary, the 9-1-1 tandem provider (whether an ILEC or a CLEC) must make those upgrades as part of providing non-discriminatory interconnection to competing providers. Whether a particular LEC is entitled to additional compensation from a 9-1-1 agency for the 9-1-1 tandem upgrade may depend on applicable state law or contract provisions.

The 9-1-1 SR/ALI Database and Any Wireless Carrier Internal Database

The 9-1-1 Agency (separate and apart from wireless E9-1-1 Phase I service) has a 9-1-1 SR/ALI database provider in its particular service area. That 9-1-1 SR/ALI database provider may be either an ILEC or a CLEC. As discussed above, relating to the 9-1-1 network, whether that LEC is due additional compensation from the 9-1-1 agency may depend on the applicable provisions of state law and/or the contract between the 9-1-1 agency and that LEC. However,

³ In the Public Notice the Commission stated that “[f]or purposes of this Public Notice, we consider the E911 network to include all facilities and equipment beyond the wireless carrier’s switch necessary to transmit wireless 911 calls to PSAPs.” Public Notice at footnote no. 3. TX-9-1-1 Agencies, therefore, will not discuss in detail the software upgrades to a wireless carrier’s MSC that may be necessary to provide E9-1-1 service except to say that the same rationale discussed above for 9-1-1 trunks applies and that the proper treatment of such software upgrades is for the carrier to have that responsibility. (This is also true on the wireline side also. For example, if a CLEC wanted to upgrade a Class 4 switch to provide local service [including E9-1-1 service], that CLEC is responsible for the needed software upgrade to the Class 4 switch.) Similarly, on the database side, a wireless carrier’s internal company database processing and any employee time should also be the wireless carrier’s responsibility.

any wireless carrier internal database used to provide wireless E9-1-1 Phase I service should be the responsibility of that wireless carrier.

Costs on the PSAP Side of the 9-1-1 Tandem

The TX 9-1-1 Agencies believe that costs on the PSAP side of the 9-1-1 tandem should be the responsibility of the 9-1-1 Agency. 9-1-1 trunks needed from the 9-1-1 tandem to the PSAP should be the responsibility of the 9-1-1 agency. Any needed modifications for PSAP Customer Premises Equipment or additional personnel or training at the PSAP should also be the responsibility of the 9-1-1 agency.

II.

Whether the appropriate demarcation point between wireless carrier, LEC, and PSAP responsibility to provide the various components or upgrades needed to implement Phase I will vary according to the technology employed to deliver those services?

If the 9-1-1 tandem and the 9-1-1 SR/ALI databases are the demarcation points, then the TX-9-1-1 Agencies do not believe that the responsibility to provide various components or upgrades will vary much according to the technology employed to deliver those services. Whether a CAS, a NCAS, or a Hybrid solution is being used for wireless E9-1-1 Phase I service, a wireless carrier must have the proper software in the MSC and the MSC must have 9-1-1 trunks to the 9-1-1 tandem. As such the responsibility remains on the wireless carrier. In an SS7 9-1-1 trunk environment, the 9-1-1 tandem operated by the LEC will need proper software to provide wireless E9-1-1 Phase I service whether a CAS, a NCAS, or a Hybrid solution is being used. As indicated above, whether a LEC is entitled to additional compensation from a 9-1-1 agency for the 9-1-1 tandem upgrade may depend on applicable state law or contract provisions. Regardless of whether a CAS, a NCAS, or a Hybrid solution is being used, the 9-1-1 agency will still be responsible for the PSAP's cost on its side of the 9-1-1 tandem.

III.

Whether there is a rationale or precedent, based on the implementation of *wireline* E911 networks, for a particular division of costs among carriers and PSAPs in the implementation of wireless Phase I technologies? What is the division of costs between LECs and PSAPs in the provision of *wireline* E911 networks? Although the Commission has not imposed special obligations on LECs in implementing *wireless* E911, whether certain costs associated with Phase I technologies should be borne or shared by LECs?

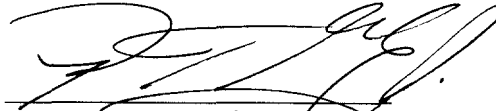

In the new competitive environment for wireless and wireline telecommunications services, the rationale and precedent on the division of costs for wireline network implementation varies by state and may be inconsistent between ILECs and CLECs. In Texas, the division of costs is currently under evaluation. In many states ILECs and CLECs are often compensated differently for implementing E9-1-1 services because an ILEC's compensation may have been established in the pre-competition era. The TX-9-1-1 Agencies believe that the focus should be placed on the functions which each entity performs and which entity should be responsible for these functions going forward in the new competitive era.

IV.

CONCLUSION

The TX-9-1-1 Agencies appreciate the opportunity to submit comments on these important matters and respectfully request the Commission to define and establish demarcation points and responsibilities consistent with these comments.

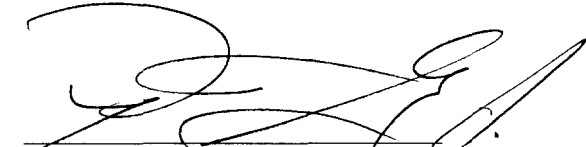
Respectfully submitted,


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Certificate of Service

I certify that a copy of these comments is being served on or before September 18, 2000 by regular or overnight mail, fax or via e-mail as required by the Public Notice.


Rupaco T. González, Jr.

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